

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT:	Jeremy Thaler	GROUP:	1794
APPLICATION:	10/705,657	EXAMINER:	H. Pratt
FILED:	November 10, 2003	CONFIRMATION:	6140

**FOR: PEANUT BUTTER WITH AN ORGANIC STABILIZER AND METHOD FOR
MANUFACTURE THEREOF**

Honorable Commissioner for Patents
Mail Stop: Appeal Brief - Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

CORRECTION OF APPEAL BRIEF UNDER 37 CFR 41.37

In response to a Notification of Non-Compliant Appeal Brief, dated November 18, 2008, please replace page 4 of the Appeal Brief filed October 20, 2008 for the above-identified application with the amended page submitted herewith:

Page 4; amended Section 3, Status of Claims to add the statement, "*Claims 2 and 21 are cancelled*" to address the objection noted.

In the event that additional fees are required as a result of this response, including fees for extensions of time, such fees should be charged to USPTO Deposit Account No. 50-2737 for Basch & Nickerson LLP. In the event the Patent Appeal Center Specialist or Board consider personal contact advantageous to the timely disposition of this case, they are hereby authorized to call Applicant's attorney, Duane C. Basch, at Telephone Number (585) 899-3970, Penfield, New York.

Respectfully submitted,

/Duane C. Basch, Esq. Reg. No. 34,545/

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DCB/dcm

1. REAL PARTY IN INTEREST

Once Again Nut Butter, Inc. by assignment of priority application from Inventors/Appellants, Jeremy Thaler et al., recorded November 14, 2002 at Reel /Frame 013494/0958.

2. RELATED APPEALS AND INTERFERENCES

NONE.

3. STATUS OF CLAIMS:

Claims 1, 3-20 and 22-24 remain in the application and are rejected. Claims 2 and 21 are cancelled. The rejections of claims 1, 3-20 and 22-24 are appealed herein.

4. STATUS OF AMENDMENTS:

No amendment after Final Rejection was submitted. The claims stand as last amended by right by Appellants' submission on December 14, 2007, prior to the final rejection.